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PTO/SB/05 (11-00) A
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | | |
|------------------------|---------------------------------------------------------------|----------------------------|
| Attorney Docket No. | | 076883-0268936 |
| First Inventor | | Robert J. Dunst Jr. et al. |
| Title | Method and System of Managing On-the-Shelf Retail Inventories | |
| Express Mail Label No. | | EL754073380US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration(s)-4 [Total Sheets 8]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))-3 Assignments
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____ / _____
Prior application information: Examiner _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | |
|-----------------------------------------------------------------------|-----------------------------------------|-----------|----------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | 27271 | | or | <input checked="" type="checkbox"/> Correspondence address below |
| Name | Mark C. Pickering | | | |
| Address | 50 Fremont Street 5 th Floor | | | |
| City | San Francisco | State | CA | Zip Code 94105 |
| Country | USA | Telephone | (415) 983-1297 | Fax (415) 983-1200 |

| | | | |
|------------------|--------------------------|-----------------------------------|---------|
| Name(Print/Type) | Mark C. Pickering | Registration No. (Attorney/Agent) | 36,239 |
| Signature | <i>Mark C. Pickering</i> | Date | 7-13-01 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL**For FY 2001**

Patent Fees are subject to annual revision.

Complete if Known

| | | | |
|--------------------------------|--------------|------------------------------|-----------------------------------|
| TOTAL AMOUNT OF PAYMENT | \$750 | Application Number | NEW |
| | | Filing Date | Herewith |
| | | First Named Inventor | Robert J. Dunst Jr. et al. |
| | | Examiner Name | Unknown |
| | | Group Art Unit | Unknown |
| | | Attorney Document No. | 076883-0268936 |

U.S. PTO
09/904780
07/13/01

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

03-3975

PILLSBURY WINTHROP LLP

Deposit Account Number & Deposit Account Name

- ☒ Charge any additional fees required under 37 CFR §§ 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27.

2. X Payment Enclosed:☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| LARGE ENTITY | | SMALL ENTITY | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|-----------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 101 | 710 | 201 | 355 | Utility | 710 |
| 106 | 320 | 206 | 160 | Design | |
| 107 | 490 | 207 | 245 | Plant | |
| 108 | 710 | 208 | 355 | Reissue | |
| 114 | 150 | 214 | 75 | Provisional | |
| SUBTOTAL (1) | | | | | 710 |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|---------------|--------------|----------------|----------|
| 19 - 20 ** | = 0 | x 18 | = \$ 0 |
| Independent | 3 - 3 | = 0 | = \$ 0 |
| Multiple Dep. | | * | = \$ * |

** or number previously paid, if greater; for Reissues, see below:

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|------------------------------------------------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 103 | 18 | 203 | 9 | Claim in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue ind. claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$0

FEE CALCULATION (continued)**3. Additional Fees**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---------------------------------------------------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2520 | 139 | 2520 | Filing a request for re-examination | |
| 112 | 920* | 112 | 920* | Req. publ. of SIR prior to Ex. Action | |
| 113 | 1840* | 113 | 1840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within 1st mo. | |
| 116 | 390 | 216 | 195 | Extension for reply within 2nd mo. | |
| 117 | 890 | 217 | 445 | Extension for reply within 3rd mo. | |
| 118 | 1390 | 218 | 695 | Extension for reply within 4th mo. | |
| 128 | 1890 | 228 | 945 | Extension for reply with 5th mo. | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1510 | 138 | 1510 | Pet to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 130 | 123 | 50 | Petition related to provisional apps. | |
| 126 | 180 | 126 | 180 | Submission of IDS Statement | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (x no. of properties) | 40 |
| 146 | 710 | 246 | 355 | Filing a submission after final rej. | |
| 149 | 710 | 249 | 355 | For each add'l. invention to be examined (37 C.F.R. § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Exam. (RCE) | |
| 169 | 900 | 169 | 900 | Req. for expedited exam. of a design app. | |

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

\$40

SUBMITTED BY

Pillsbury Winthrop LLP
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Customer No. 27271

Date:

7-13-01

By:

Mark C. Pickering, Reg. No. 36,239

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|----------------------|---------------------------------------------------------------|
| First Named Inventor | Robert J. Dunst Jr., et al. |
| Title | Method and System of Managing On-The-Shelf Retail Inventories |
| Atty Docket Number | 076883-0268936 |

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

7-13-01
Date


Signature

Mark C. Pickering
Reg. No. 36,239

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.